



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

HON. SYLVIA O. HINDS-RADIX  
*Corporation Counsel*

MARK D. ZUCKERMAN  
Senior Counsel  
E-mail: mzuckerm@law.nyc.gov  
Phone: (212) 356-3519  
Fax: (212) 788-9776

January 26, 2023

**VIA ECF**

The Honorable Sarah L. Cave  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Paul Phillips, et. al. v. The City of New York, et. al., 21 Civ. 8149  
(ALC)(SLC)

Your Honor:

I am a Senior Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendant City of New York in the above referenced matter. We write with the consent of plaintiffs' counsel to respectfully request an extension of time to submit our reply letter brief in support of our letter motion at Docket 44 from January 27, 2023 to February 2, 2023. The reason for the request is that the Court has set a conference date of February 7, 2023, to address the parties' competing motions, meaning that plaintiffs will seemingly have filed their second amended complaint by that time, on or by February 1, 2023, per Judge Carter's Order at Docket 42. Since the City seeks a stay of discovery pending the outcome of its anticipated motion to dismiss, and has sought a protective order from having to respond to plaintiffs' discovery requests based, in part, on that anticipated motion, we would like the opportunity to address whatever changes plaintiffs make to their claims in their second amended complaint, some of which are previewed in their letter response at Docket 48, before the February 7<sup>th</sup> conference.

We have no objection to plaintiffs submitting a surreply by February 3, 2023, or over that weekend, though plaintiffs recognize that the Court may not want it.

This is the first such request for an extension of time.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Mark D. Zuckerman

Mark D. Zuckerman

cc: All counsel (via ECF)